

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Greg Spooner et al.

Application No.: 10/728,527

Filed: December 5, 2003

For: METHOD AND APPARATUS FOR  
CONTROLLED SPATIALLY-SELECTIVE  
EPIDERMAL PIGMENTATION  
PHOTOTHERAPY WITH UVA LEDs

Group Art Unit: Unknown

Examiner: Unknown

INFORMATION DISCLOSURE  
STATEMENT

121 Spear Street, Suite 290  
San Francisco, CA 94105  
(415) 512-1312

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited  
with the United States Postal Service as First Class Mail in an  
envelope, addressed to: Commissioner for Patents, P.O.  
Box 1450, Alexandria, VA 22313-1450 on January 6, 2004.  
STALLMAN & POLLOCK LLP

Dated: 01/6/04By: Georgia K. Stith

Georgia K. Stith

Sir:

Applicant(s) submit(s) herewith patents, publications or other information [attached hereto and listed on the attached Form PTO-1449 (modified)] of which they are aware, which they believe(s) may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR § 1.56.

This Information Disclosure Statement:

- (a) ☐ accompanies the new patent application submitted herewith. 37 CFR § 1.97(a).
- (b) ☒ is filed within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 CFR § 1.491.
- (c) ☐ as far as is known to the undersigned, is filed before the mailing date of a first Office Action on the merits, or before a first office action after filing a Request for Continued Examination under § 1.114.
- (d) ☐ is filed after the first office action and more than three months after the application's filing date or PCT national stage date of entry filing but, as far as is

known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first, and is accompanied by either the fee (\$180) set forth in 37 CFR § 1.17(p) or a certification as specified in 37 CFR § 1.97(e), as checked below.

- (e) ☐ is filed after the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and the Issue Fee has not been paid, and is accompanied by the fee (\$130) set forth in 37 CFR § 1.17(i)(1) and a certification as specified in 37 CFR § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the information disclosure statement.

[If either of boxes (d) or (e) is checked above, the following "certification" under 37 CFR § 1.97(e) may need to be completed.] The undersigned certifies that:

- (f) ☐ Each item of information contained in the information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- (g) ☐ No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this information disclosure statement.

A list of the patent(s) or publication(s) is set forth on the attached Form PTO-1449 (Modified).

A copy of the items on PTO-1449 (Modified) is supplied herewith, except as noted below.

Those patent(s) or publication(s) which are marked with an asterisk (\*) in the attached form PTO-1449 (Modified) are not supplied because they are (a) either U.S. Patents and this an application filed after June 30, 2003, or (b) were previously cited by or submitted to the Office in a prior application no. \_\_\_\_\_, filed \_\_\_\_\_ and relied upon in this application for an earlier filing date under 35 U.S.C. § 120.

A concise explanation of relevance of the items listed on form PTO-1449 (Modified) is:

- (k) ☒ not given

- (l) ☐ given for each listed item
- (m) ☐ given for only non-English language listed item(s) [Required]
- (n) ☐ is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references [copy attached].

The Examiner is reminded that a "concise explanation of the relevance" of the submitted items "may be nothing more than identification of the particular figure or paragraph of the patent or publication which has some relation to the claimed invention," MPEP § 609.

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR § 1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR § 1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR § 1.98 and MPEP § 609 and the Examiner is respectfully requested to consider the listed references.

- ☒ The Commissioner is hereby authorized to charge our Deposit Account No. 50-1703, under Order No. [Client No. ]ALTU-210, for any fees required in connection with the filing of this Information Disclosure Statement. **A duplicate copy of this Notice is enclosed for this purpose.** In particular, in the event that an Office Action has crossed in the mail with this Information Disclosure Statement, the Commissioner is authorized to charge the above-named deposit account for any fees required pursuant to CFR §§ 1.17(p) or 1.17(i)(1).

Respectfully submitted,

STALLMAN & POLLOCK LLP

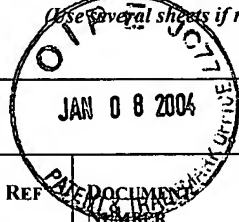
Dated: January 6, 2004

By: 

Brian J. Keating (Reg. No. 39,520)

Attorneys for Applicant(s)

<b>INFORMATION DISCLOSURE CITATION</b> <i>(Use several sheets if necessary)</i>	Docket Number (Optional) <b>ALTU-210</b>	Application Number <b>10/728,527</b>
	Applicant(s) <b>Greg Spooner et al.</b>	
	Filing Date <b>December 5, 2003</b>	Group Art Unit <b>Unknown</b>



### U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	*AA	3,538,919	11/10/1970	Meyer	606	36	
	*AB	3,693,623	09/26/1972	Harte et al.	606	9	
	*AC	3,834,391	09/10/1974	Block	606	9	
	*AD	3,900,034	08/19/1975	Katz et al.	607	89	
	*AE	4,122,853	10/31/1978	Smith	606	4	03/14/1977
	*AF	4,388,924	06/21/1983	Weissman et al.	606	9	05/21/1981
	*AG	4,461,294	07/24/1984	Baron	606	5	01/20/1982
	*AH	4,608,978	09/02/1986	Rohr	606	9	09/26/1983
	*AI	4,617,926	10/21/1986	Sutton	606	9	01/30/1984
	*AJ	4,733,660	03/29/1988	Itzkan	606	9	12/10/1986
	*AK	4,819,669	04/11/1989	Politzer	132	200	11/26/1986
	*AL	4,829,262	05/09/1989	Furumoto	359	346	12/18/1986
	*AM	4,917,084	04/17/1990	Sinofsky	606	7	03/10/1988
	*AN	5,000,752	03/19/1991	Hoskin et al.	606	9	06/19/1989
	*AO	5,057,104	10/15/1991	Chess	606	9	05/30/1989
	*AP	5,059,192	10/22/1991	Zaias	606	9	04/24/1990
	*AQ	5,090,798	02/25/1992	Kohayakawa	351	221	03/04/1991
	*AR	5,178,617	01/12/1993	Kuizenga et al.	606	17	07/09/1991
	*AS	5,182,857	02/02/1993	Simon	30	34.05	09/03/1991
	*AT	5,217,455	06/08/1993	Tan	606	9	08/12/1991
	*AU	5,226,907	07/13/1993	Tankovich	606	133	10/29/1991
	*AV	5,258,989	11/02/1993	Raven	372	6	09/12/1991
	*AW	5,282,797	02/01/1994	Chess	606	9	05/28/1991
	*AX	5,290,273	03/01/1994	Tan	606	9	05/25/1993

### FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	AY	WO 96/22813 /	08/01/1996	PCT	A61N	5/06		
	AZ	EP 736 308 A2 /	10/09/1996	Europe	A61N	5/06		
	BA	WO 86/02783 /	05/09/1986	PCT	H01S	3/08		
	BB	WO 95/15725 /	06/15/1995	PCT	A61B	17/41		

### OTHER DOCUMENTS

(Including Author, Title, Date, Pertinent Pages, Etc.)

	BC	R. Anderson, <i>Harvard Medical School</i> , Reprint "Clinical Use of the LightSheer Diode Laser System," March 1998, 5 pages in length.
	BD	Bartley et al., "An Experimental Study to Compare Methods of Eyelash Ablation," <i>Ophthalmology</i> , Vol. 94, 1987, pp. 1286-1289.
	BE	J.L. Boulnois, "Photophysical Processes in Recent Medical Laser Developments: a Review," <i>Lasers in Medical Science</i> , Vol. 1, 1986, pp. 47-64.
	BF	Finkelstein et al., "Epilation of Hair-Bearing Urethral Grafts Using the Neodymium: YAG Surgical Laser," <i>J. Urology</i> , Vol. 146, 1991, pp. 840-842.

Examiner	Date Considered
<b>Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</b>	

<b>INFORMATION DISCLOSURE CITATION</b> (Use several sheets if necessary)	<b>Docket Number (Optional)</b>	<b>Application Number</b>
	ALTU-210	10/728,527
	<b>Applicant(s)</b>	
	Greg Spooner et al.	
<b>Filing Date</b>		<b>Group Art Unit</b>
December 5, 2003		Unknown

### U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE
*BG	5,304,170	04/19/1994	Green	606	9	03/12/1993
*BH	5,312,395	05/17/1994	Tan et al.	606	9	08/21/1992
*BI	5,344,418	09/06/1994	Ghaffari	606	9	12/12/1991
*BJ	5,397,327	03/14/1995	Koop et al.	606	17	07/27/1993
*BK	5,405,368	04/11/1995	Eckhouse	607	88	10/20/1992
*BL	5,425,728	06/20/1995	Tankovich	606	9	01/19/1993
*BM	5,474,549	12/12/1995	Ortiz et al.	606	9	02/18/1993
*BN	5,486,172	01/23/1996	Chess	606	20	01/31/1994
*BO	5,522,813	06/04/1996	Trelles	606	2	09/23/1994
*BP	5,527,350	06/18/1996	Grove et al.	607	89	02/24/1993
*BQ	5,611,795	03/18/1997	Slatkine et al.	606	9	02/03/1995
*BR	5,620,478	04/15/1997	Eckhouse	607	88	06/07/1995
*BS	5,626,631	05/06/1997	Eckhouse	607	88	02/03/1995
*BT	5,683,380	11/04/1997	Eckhouse et al.	606	9	03/29/1995
*BU	5,735,844	04/07/1998	Anderson et al.	606	9	01/30/1996
*BV	5,738,679	04/14/1998	Daikuzono	606	11	06/26/1996
*BW	5,743,901	04/28/1998	Grove et al.	606	9	05/15/1996
*BX	5,820,625	10/13/1998	Izawa et al.	606	9	11/27/1996
*BY	5,957,960	09/28/1999	Chen et al.	607	92	05/05/1997
*BZ	5,964,749	10/12/1999	Eckhouse et al.	606	9	09/15/1995
*CA	6,080,147	06/27/2000	Tobinick	606	9	06/10/1998
*CB	6,210,425	04/03/2001	Chen	607	88	07/08/1999
*CC	6,237,884	08/14/2001	Altshuler et al.	606	9	05/13/1998
*CD	6,251,127	06/26/2001	Biel	607	88	08/25/1998
*CE	6,273,884	08/14/2001	Altshuler et al.	606	9	05/13/1998
*CF	6,273,885	08/14/2001	Koop et al.	606	9	08/16/1998
*CG	6,569,155	05/27/2003	Connors et al.	606	9	03/13/2000

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REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
CH	WO 98/24514	06/11/1998	PCT	A61B	5/06		
CI	WO 98/51235	11/19/1998	PCT	A61F	2/00		
CJ	WO 99/11324	03/11/1999	PCT	A61N	5/06		

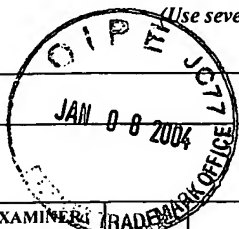
### OTHER DOCUMENTS

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CK	Grossman et al., "Prospective Evaluation of the Argon Laser in the Treatment of Trichiasis," <i>Ophthalmic Surgery</i> , Vol. 23, 1992, pp. 183-189.
CL	Grossman et al., "Experimental Comparison of Laser and CryoSurgical Cilia Destruction," <i>Ophthalmic Surgery</i> , Vol. 23, 1992, pp. 179-182.
CM	Kuriloff et al., "Pharyngoesophageal Hair Growth: the role of Laser Epilation," <i>Case Reports</i> , Vol. 98, 1988, pp. 342-345.

<b>Examiner</b>	<b>Date Considered</b>
Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

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*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	*CN	US-RE. 36,634	03/28/2000	Ghaffari	606	9	09/05/1996
	*CO	4,930,504	06/05/1990	Diamantopoulos et al.	128	395	11/13/1987
	*CP	5,178,617	01/12/1993	Kuizenga et al.	606	17	07/09/1991
	*CQ	5,259,380	11/09/1993	Mendes et al.	607	115	11/15/1990
	*CR	5,304,170	04/19/1994	Green	606	9	03/12/1993
	*CS	5,549,660	08/27/1996	Mendes et al.	607	88	11/12/1992
	*CT	5,500,009	03/19/1996	Mendes et al.	607	88	09/27/1993
	*CU	5,505,726	04/09/1996	Meserol	606	9	03/21/1994
	*CV	5,616,140	04/01/1997	Prescott	606	10	03/21/1994
	*CW	5,630,811	05/20/1997	Miller	606	9	03/25/1996
	*CX	5,658,323	08/19/1997	Miller	606	89	10/23/1995
	*CY	5,743,901	04/28/1998	Grove et al.	606	9	05/15/1996
	*CZ	5,800,479	09/01/1998	Thiberg	607	88	01/19/1995
	*DA	5,944,748	08/31/1999	Mager et al.	607	88	07/25/1997
	*DB	5,957,960	09/28/1999	Chen et al.	607	92	05/05/1997
	*DC	6,063,108	05/16/2000	Salansky et al.	607	89	01/06/1997
	*DD	6,106,514	08/22/2000	O'Donnell, Jr.	606	9	10/03/1997
	*DE	6,159,236	12/12/2000	Biel	607	92	01/28/1999
	*DF	6,210,425	04/03/2001	Chen	607	88	07/08/1999
	*DG	6,228,075	05/08/2001	Furumoto	606	9	03/15/1999
	*DH	6,238,425	05/29/2001	Thiberg	607	88	06/04/1997
	*DI	6,251,127	06/26/2001	Biel	607	88	08/25/1998
	*DJ	6,273,884	08/14/2001	Altshuler et al.	606	9	05/13/1998
	*DK	6,273,885	08/14/2001	Koop et al.	606	9	08/16/1998
	*DL	6,290,713	09/18/2001	Russell	607	88	08/24/1999
	*DM	6,306,130	10/23/2001	Anderson et al.	606	27	04/07/1999
	*DN	6,383,176	05/07/2002	Connors et al.	606	9	03/15/1999

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